



# CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Public Hearing to Consider Resolution Adopting Engineer's Report, Confirming the Assessments, Overruling Protests and Declaring Assessment Ballot Results and Annexing Territory to a Maintenance Assessment District and Forming Zone 7 (Woodlake Meadow Zone 7 Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1)

**MEETING DATE:** December 15, 2004

**PREPARED BY:** Public Works Director

**RECOMMENDED ACTION:** That the City Council conduct a Public Hearing to consider a resolution for the following:

1. Adopting Engineer's Report
2. Confirming the assessments
3. Overruling protests and declaring assessment ballot results
4. Annexing territory to a maintenance assessment district and forming Zone 7 (Woodlake Meadow Zone 7 Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1)

**BACKGROUND INFORMATION:** On October 20, 2004, the City Council adopted the following resolutions regarding the formation of the Woodlake Meadow Zone 7 Assessment District, Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1.

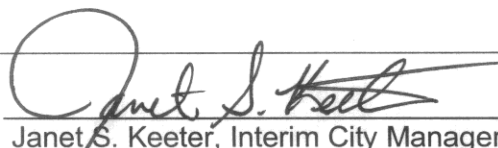
1. Resolution of Preliminary Determination to Annex Territory to the Maintenance Assessment District, to Form a Zone, to Levy an Annual Assessment for Cost Incurred and Preliminary Approval of Engineer's Report.
2. Resolution of Intention to Annex Territory to a Maintenance Assessment District, to Form a Zone, to Levy and Collect an Annual Assessment for Maintenance and Operation of Improvements and for Costs and Expenses and Setting Time and Place of Public Meeting and Public Hearing and Setting Forth Mailed Property Owner Ballot Procedure and Notice.

Developer of the Woodlake Meadows subdivision has elected to form an assessment district pursuant to the Landscaping and Lighting Act of 1972 for the purpose of installing and/or maintaining public improvements consisting of public park area.

The estimated annual assessment for the first year is \$73 per unit, and the maximum annual assessment is \$173. The maximum annual assessment is subject to a yearly cost adjustment of the greater of either 5% or the percentage increase of the Local Consumer Price Index. Subsequent annual assessments will be based upon contract bid prices and the Engineer's Report schedule of replacement costs.

In order for the assessment to be successful under Proposition 218 requirements, a majority of the landowners who vote (calculated in terms of dollars of assessment) must vote in favor of the proposals. If a majority vote is not received, the district will not be formed. At this time, there is a single owner of the subdivision.

APPROVED:

  
Janet S. Keeter, Interim City Manager

Public Hearing to Consider Resolution Adopting Engineer's Report, Confirming the Assessments,  
Overruling Protests and Declaring Assessment Ballot Results and Annexing Territory to a Maintenance  
Assessment District and Forming Zone 7 (Woodlake Meadow Zone 7 Lodi Consolidated Landscape  
Maintenance Assessment District No. 2003-1)

December 15, 2004

Page 2

**FUNDING:** The developer is reimbursing the City costs for the engineering and legal services required  
to form the zone and implement the annexation.



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Richard C. Prima, Jr.  
Public Works Director

Prepared by Sharon A. Welch, Senior Civil Engineer

RCP/SAW/pmf

Attachment

cc: D. Stephen Schwabauer, City Attorney  
Tony Goehring, Parks and Recreation Director  
George Bradley, Street Superintendent

**ENGINEER'S REPORT  
WOODLAKE MEADOW ZONE 7  
LODI CONSOLIDATED LANDSCAPE MAINTENANCE  
ASSESSMENT DISTRICT NO. 2003-1  
(PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972)  
CITY OF LODI**

**FISCAL YEAR 2004-2005**

**PREPARED BY:**

**Thompson-Hysell Engineers,  
a division of The Keith Companies, Inc.  
1016 12th Street  
Modesto, CA 95354**

**DECEMBER 2004**

**ANNUAL ENGINEER'S REPORT  
FOR THE 2004-2005 FISCAL YEAR**

WOODLAKE MEADOW ZONE 7  
LODI CONSOLIDATED LANDSCAPE MAINTENANCE  
ASSESSMENT DISTRICT NO. 2003-1  
CITY OF LODI

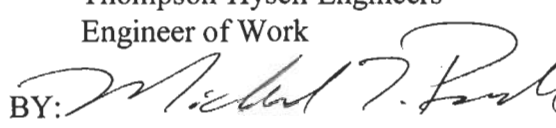
(Pursuant to the Landscaping and Lighting Act of 1972)

The undersigned respectfully submits the enclosed annual report as directed by the City Council.

DATED: December 6, 2004.

Thompson-Hysell Engineers  
Engineer of Work

BY:

  
Michael T. Persak  
RCE 44908



**I HEREBY CERTIFY** that the enclosed Annual Engineer's Report, together with Boundary Map, Assessment, and Assessment Diagram thereto attached, was filed with me on the \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_, City Clerk, City of Lodi  
San Joaquin County, California

BY:

**I HEREBY CERTIFY** that the enclosed Annual Engineer's Report together with Assessment and Assessment Diagram thereto attached, was approved and confirmed by the City Council of the City of Lodi, California on the \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_, City Clerk, City of Lodi  
San Joaquin County, California

BY:

**I HEREBY CERTIFY** that the enclosed Annual Engineer's Report together with Assessment and Assessment Diagram thereto attached, was filed with the Auditor of the County of San Joaquin on the \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_, City Clerk, City of Lodi  
San Joaquin County, California

BY:

December 6, 2004

The Honorable Mayor and  
City Council of The City of  
Lodi, CA

To Whom It May Concern:

This report is prepared pursuant to and in compliance with the requirements of the "Landscaping and Lighting Act of 1972," as amended, commencing with the Streets and Highways code sections 22500, et seq. for the creation of a new zone (Woodlake Meadow Zone 7) in the Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1.

### BACKGROUND

The Woodlake Meadow zone consists of a 5-lot residential development located in the northwestern portion of the City of Lodi. The development is being pursued by Woodlake Meadow, LLC. This report is relative to the proposed Woodlake Meadow Zone 7 Landscape Maintenance District of the City of Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1, which provides annual funds for the maintenance of various public landscape improvements.

### PHASED DEVELOPMENT

The Woodlake Meadow Zone 7 development is currently anticipated to be constructed in a single phase. Annually, the additional public amenity improvements and the additional developed areas, if any, shall be identified. The costs of the maintenance of the new improvements, if any, shall be added to and included in the next annual landscape maintenance budget. These amounts for the additional improvements were accounted for in determining the maximum annual assessment (see Exhibit A). The Woodlake Meadow Zone 7 project, when completed, will include 5 dueF's.

### ASSESSMENT DISTRICT AREA

The area of Woodlake Meadow Zone 7 is described as all of the property within the following assessor's parcel identified by assessor's number (APN):

<u>Book</u>	<u>Page</u>	<u>Parcel</u>
015	230	09

A boundary map is attached to this Engineer's Report as Exhibit B. The assessment diagrams for the Woodlake Meadow Zone 7 Landscape Maintenance District are attached to the Engineer's Report as Exhibit C. Sheet 1 of the assessment diagrams is a simple overall boundary map. Sheet 2 is the County Assessor's map and is incorporated in, and made a part of, the assessment diagram.

### PLANS AND SPECIFICATIONS

As this project is developed, plans and specifications for the amenity improvements to be maintained by the funds generated by the Woodlake Meadow Zone 7 Landscape Maintenance District shall be filed with the City of Lodi and will be incorporated into this report by reference.

#### DESCRIPTION OF AREAS TO BE MAINTAINED

The Woodlake Meadow Zone 7 Landscape Maintenance District is created to provide funding for the continued maintenance of the public areas described below. During the installation period for each phase, the installer of the improvements will maintain the new improvements until the following June 30, or until such time as funds are available for maintenance, at which time the new areas shall be incorporated into the areas already being maintained by the District.

The following improvements shall be included in the District upon their completion.

1. Description of Improvements for Future Development

- A. Public park land area of 0.0468 acres in size equivalent to the current level of service standard for park area within the City of 3.4 acres per 1000 persons served.

#### ALLOCATION OF COSTS

Assessments for the Woodlake Meadow Zone 7 Landscape Maintenance District are apportioned in a manner intended to fairly distribute the amounts among all assessable developed parcels in proportion to the estimated benefits to be received by each such parcel. A parcel is considered as being developed by reason of having been included as a lot or parcel in the Zone 7 recorded Final Map or being included within the active developed area in the case of an existing parcel. The criteria for apportioning the costs for the maintenance makes use of a dwelling unit equivalent Factor (dueF) to calculate the benefit for all uses in terms of equivalent dwelling units. The terms, definitions, and procedures followed to develop the annual assessment are as follows:

1. Dwelling Unit Equivalent Factor (dueF)

The dueF for each use is as follows:

A. Single-Family Residential

All parcels determined to be developed for single-family use shall have a dueF of 1.0 for each parcel. Parcels designated for duplex use will be assigned a dueF of 2.0.

B. Multiple-Family Residential

All parcels determined to be developed for multiple-family residential, other than duplex or triplex uses, shall have a dueF of 5.0 per acre for each parcel, in general representative of the approximate single-family yield if the area were developed for that use.

C. Commercial/Office

All parcels determined to be developed for commercial or office use shall have the dueF factor calculated as follows:

5 dueF per acre for the first 7.5 acres

2.5 dueF per acre for the next 7.5 acres

1.25 dueF per acre for all acreage over 15 acres.

D. Other Uses

All parcels determined to have uses other than identified above shall have a dueF established at the time of the first annual budget affecting such areas as determined by the Engineer or other officer appointed by the City of Lodi to prepare the annual cost spread. The determined dueF shall follow the character of the factors assigned above as nearly as practicable, but the determination shall be the sole responsibility of the appointed party and the City of Lodi.

E. Zero Dwelling Unit Equivalent Factor (dueF)

Certain parcels, by reason of use, size, shape, or state of development, may be assigned a zero dueF which will consequently result in a zero assessment for that fiscal year. All parcels having such a zero dueF for the previous fiscal year shall annually be reconsidered to determine if the reason for assigning the zero dueF is still valid for the next fiscal year. Parcels which may be expected to have a zero dueF assigned are typically parcels which are all, or nearly all, publicly landscaped, parcels in public ownership, parcels owned by a public utility company and/or used for public utilities, public parks, public schools, and remainder parcels too small or narrow for reasonable residential or commercial use, unless actually in use.

1. Area Adjustments

Parcels which have an assessment determined by area and which have a portion of the parcel occupied by public or public utility uses separate from the entitled use and located in easements, prior to the multiplication by the dueF, shall have the area of the parcel adjusted to a usable area to reflect the loss or partial loss of the entitled use in those areas. This reduction shall not apply for normal peripheral and interior lot line public utility easements generally existing over the whole subdivision.

2. Compilation

Annually, about May 15, following the determination of the dwelling unit equivalent Factor (dueF) for all developed parcels and the determination of the list of developed parcels by APN for the next fiscal year, all single-family or duplex/triplex residential parcels shall have a dwelling unit equivalent (due) assigned to each parcel equal to the dueF for that parcel. For all parcels other than single-family or duplex/triplex residential parcels, the product of the dueF times the area or adjusted usable area of the parcel, as appropriate, shall be calculated and shall be the due assigned. For developed parcels, the sum of the due assigned to each single-family due for each other parcel shall equal the total due for the next fiscal year. The total amount of revenue required for the next fiscal year shall then be divided by the total due to calculate the assessment per due for the next fiscal year. Parcels defined as not developed for the purposes of determining the landscape maintenance assessments will

all have a zero dueF and consequently a zero due and a zero assessment.

3. Allocation of Assessments

The assessment for wall maintenance for the next fiscal year shall then be set for each parcel as the product of the calculated dwelling unit equivalent (due) for each parcel, multiplied by the assessment per due for the next fiscal year.

METHOD OF ASSESSMENT SPREAD

In compliance with the provisions of Proposition 218, adding Article XIII D to the California Constitution, the benefits conferred on each parcel within the Lodi Consolidated Landscape Maintenance District No. 2003-1 are particular and distinct benefits (hereinafter "special benefits") over and above general benefits conferred on such property or to the public at large, in that the individual letter-designated zones in the District each represents a common unit to provide landscape, park, and related amenity maintenance, and monitored irrigation for the development of the property within the individual letter-designated zones in the District generally for residential and related urban uses. Benefits are determined to be 100% special benefits and 0% general benefits. Also, in keeping with the requirements of Proposition 218, no annual individual assessments shall be increased above the amounts assessed under the established criteria for each zone for the preceding fiscal year without an election approval.

The base objective of the assessment spread is to distribute costs in accordance with the benefits received. Costs will be spread equally to each residential lot as follows:

1. Lots 1-5 in Woodlake Meadow shall be assessed equally per their dueF for the estimated costs of maintenance for the fiscal year 2004-2005.

ANNUAL ESCALATION

The maximum assessment amount for each fiscal year shall be increased in an amount equal to the greater of: 1) five percent (5.0%), or 2) the percentage increase of the Local Consumer Price Index (CPI). Consumer Price Index applied is for the San Francisco-Oakland-San Jose County Area for All Urban Consumers, as developed by the U.S. Bureau of Labor Statistics for a similar period of time.

ADMINISTRATION

It is intended that the City of Lodi, either directly or by subcontract, shall have the responsibility to establish an ongoing Landscape Maintenance Management entity to be known as the Landscape Maintenance District Manager which shall be responsible to establish the annual budget, keep an accounting of the maintenance and operational administrative costs, administer and perform the landscape maintenance either directly or by subcontract, pay all fees, utility costs, taxes, and any and all other operating costs.

ESTIMATE OF COSTS



The location and size of a park serving these subdivisions has not yet been determined. The estimated costs are for public amenity maintenance only. All improvements will be installed at no cost to the Landscape Maintenance Assessment District. The assessment will not be levied until needed, upon development and City acceptance of the improvements.

Items considered in the maintenance cost include, but are not limited to: Water for plants and trees, weeding, pruning, mowing, replacement of plants and trees that may die, maintenance of pavement and sidewalks, and maintaining and replacing all sprinkler lines and heads.

The annual costs estimated to be collected with the 2004-2005 taxes for the developed areas are as follows:

<b><u>OPERATION OF COSTS</u></b>	<b><u>FY 2004-05 ESTIMATED ASSESSMENT</u></b>	<b><u>FY 2004-05 MAXIMUM ASSESSMENT</u></b>
Future Park Site	\$0.00	\$500.00
<b>Est. Subtotal Operation Costs</b>	<b>\$0.00</b>	<b>\$500.00</b>
<b><u>DISTRICT ADMINISTRATION COSTS</u></b>		
Annual Engineer's Report	\$100.00	\$100.00
Publication	\$100.00	\$100.00
City Administration Fee	\$50.00	\$50.00
County Administration Fee	<u>\$15.00</u>	<u>\$15.00</u>
<b>Est. Total Administration Costs</b>	<b>\$265.00</b>	<b>\$265.00</b>
<b>Est. Contingency</b>	<b>\$100.00</b>	<b>\$100.00</b>
<b>Total Estimated Revenue Required for 2004-2005 Fiscal Year</b>	<b>\$365.00</b>	<b>\$865.00</b>
<b>Total Appropriation Required from Existing Fund Balance</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>Total Estimated Assessment for 2004-2005 Fiscal Year</b>	<b>\$365.00</b>	<b>\$865.00</b>

<u>OPERATION OF COSTS</u>	<u>FY 2004-05 ESTIMATED ASSESSMENT</u>	<u>FY 2004-05 MAXIMUM ASSESSMENT</u>
<b>Total dueF</b>	<b>5</b>	<b>5</b>
<b>Assessment per dueF</b>	<b>\$73.00</b>	<b>\$173.00</b>
<b>MAXIMUM ANNUAL ASSESSMENT</b>		<b>\$173.00</b>

#### ASSESSMENT ROLL


The assessment roll for the fiscal year 2004-2005 is as follows:

<b>Assess- ment No.</b>	<b>APN No.</b>	<b>Future Lot Nos.</b>	<b>Owner</b>	<b>No. of dueF's</b>	<b>FY 2004-05 Estimated Assessment</b>	<b>FY 2004-05 Maximum Assessment</b>
1	015-230-09	1-5	Woodlake Meadow, LLC	5	\$365.00	\$865.00
<b>Total</b>				<b>5</b>	<b>\$365.00</b>	<b>\$865.00</b>

The parcels in this subdivision are expected to subdivide upon and subsequent to the formation of Zone 7. The proposed subdivision will yield approximately 5 dueF's (residential lots) and will have a proposed assessment roll, based on the above criteria and budget, as set forth in Exhibit A.

The foregoing Engineer's Report and the estimate of costs, as well as the Assessment Diagram and Assessment Roll, which are attached hereto, are presented for your approval by resolution dated this 6<sup>th</sup> day of December, 2004.

THOMPSON-HYSELL ENGINEERS  
Engineer of Work

BY:   
Michael T. Persak  
RCE 44908



**EXHIBIT A**  
**ASSESSMENT ROLL**  
**WOODLAKE MEADOW ZONE 7**  
**LODI CONSOLIDATED LANDSCAPE MAINTENANCE**  
**ASSESSMENT DISTRICT NO. 2003-1**  
**(PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972)**  
**CITY OF LODI, CA**

<b>DIAGRAM NUMBER</b>	<b>COUNTY ASSESSOR NUMBER</b>	<b>UNIT NO.</b>	<b>LOT NO.</b>	<b>FY 2004-05 ESTIMATED ASSESSMENT</b>	<b>FY 2004-05 MAXIMUM ASSESSMENT</b>
1	015-230-09	Woodlake Meadow	Lot No. 1	\$73.00	\$173.00
2	015-230-09	Woodlake Meadow	Lot No. 2	\$73.00	\$173.00
3	015-230-09	Woodlake Meadow	Lot No. 3	\$73.00	\$173.00
4	015-230-09	Woodlake Meadow	Lot No. 4	\$73.00	\$173.00
5	015-230-09	Woodlake Meadow	Lot No. 5	\$73.00	\$173.00
<b>TOTAL</b>				<b>\$365.00</b>	<b>\$865.00</b>

PROPOSED AMENDED BOUNDARIES  
(WOODLAKE MEADOW ZONE 7 ANNEXATION)  
CITY OF LODI CONSOLIDATED LANDSCAPE  
MAINTENANCE ASSESSMENT DISTRICT  
NO. 2003-1 CITY OF STOCKTON,  
SAN JOAQUIN COUNTY  
STATE OF CALIFORNIA

BEING PORTIONS OF SECTIONS 34,  
T.4 N., R.6 E., M.D.B. & M.,  
CITY OF STOCKTON,  
SAN JOAQUIN COUNTY, CALIFORNIA

THOMPSON-HYSELL ENGINEERS  
1016 12th STREET MODESTO, CALIFORNIA  
OCTOBER, 2004

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF LODI THIS  
DAY OF \_\_\_\_\_, 2004.

CITY CLERK OF THE CITY OF LODI

RECORDED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2004 AT THE HOUR  
OF \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M. IN BOOK \_\_\_\_\_ PAGE \_\_\_\_\_ OF  
MAP OF ASSESSMENTS AND COMMUNITY FACILITIES DISTRICTS IN THE OFFICE OF  
THE COUNTY RECORDER OF THE COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA.

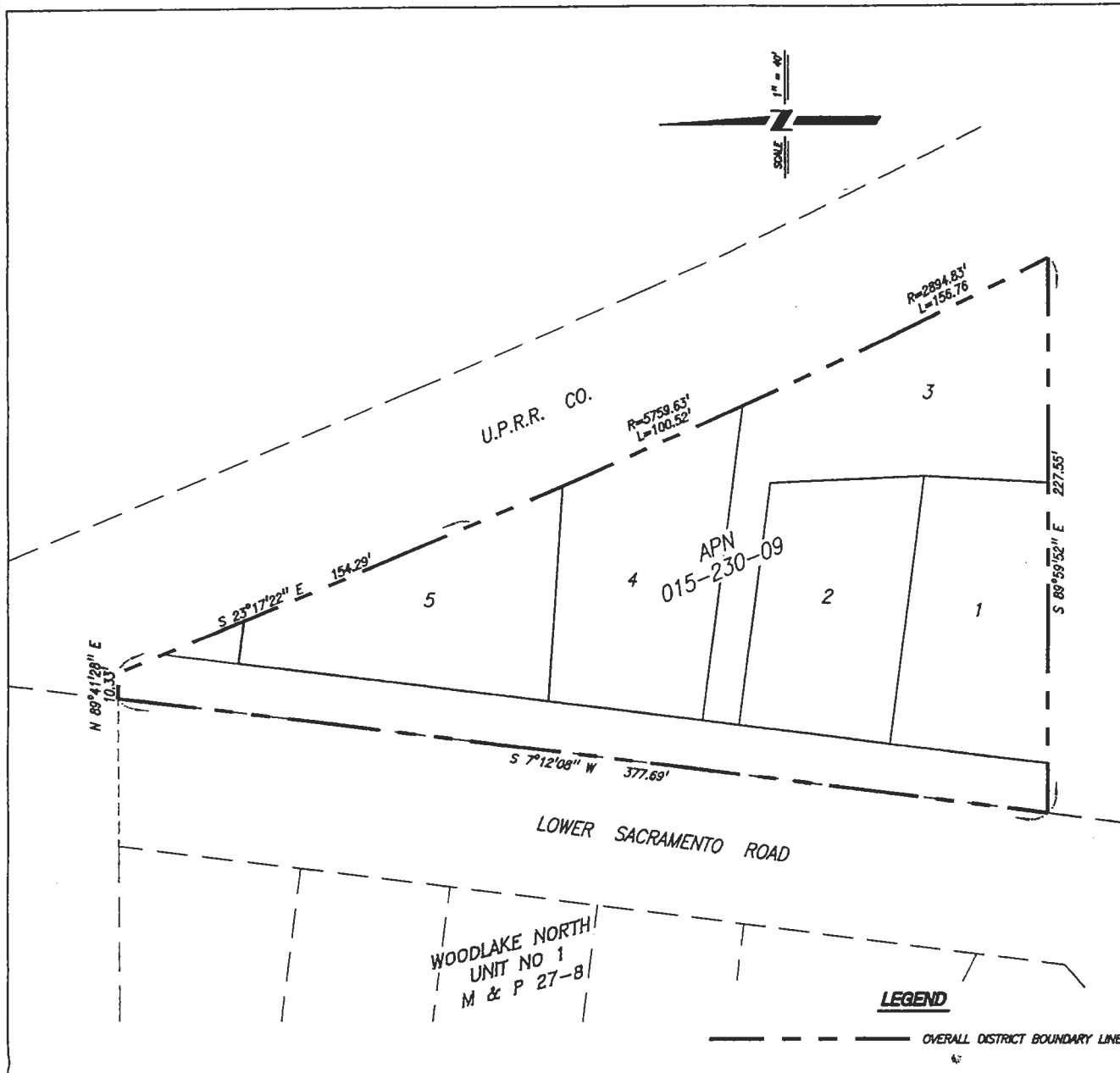
COUNTY RECORDER  
OF SAN JOAQUIN COUNTY, CALIFORNIA

I, HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED  
BOUNDARY OF LODI CONSOLIDATED LANDSCAPE MAINTENANCE  
ASSESSMENT DISTRICT NO. 2003-1, CITY OF LODI, SAN JOAQUIN  
COUNTY, CALIFORNIA WAS APPROVED BY THE CITY COUNCIL OF THE  
CITY OF LODI AT A REGULAR MEETING THEREOF, HELD ON THE  
DAY OF \_\_\_\_\_, 2004, BY ITS RESOLUTION NO.

CITY CLERK OF THE CITY OF LODI

THE AMENDED BOUNDARY MAP AMENDS THE BOUNDARY MAP FOR CITY OF LODI  
CONSOLIDATED LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2003-1,  
CITY OF LODI, SAN JOAQUIN COUNTY, STATE OF CALIFORNIA PRIOR RECORDED  
AT BOOK 4 OF MAPS AND ASSESSMENTS AND COMMUNITY FACILITIES DISTRICTS  
AT PAGE 105, IN THE OFFICE OF THE COUNTY RECORDER FOR THE COUNTY OF  
SAN JOAQUIN, STATE OF CALIFORNIA.

**EXHIBIT B**



BEING PORTIONS OF SECTIONS 34,  
T.4 N., R.6 E., M.D.B. & M.,  
CITY OF STOCKTON,  
SAN JOAQUIN COUNTY, CALIFORNIA

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF LODI THIS \_\_\_\_  
DAY OF \_\_\_\_\_, 2004.

RECORDED IN THE OFFICE OF THE SUPERINTENDENT OF STREETS THIS \_\_\_\_  
DAY OF \_\_\_\_\_, 2004.

FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2004 AT THE HOUR  
OF \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M. IN BOOK \_\_\_\_\_ PAGE \_\_\_\_\_ OF  
MAP OF ASSESSMENTS AND COMMUNITY FACILITIES DISTRICTS IN THE OFFICE OF  
THE COUNTY RECORDER OF THE COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA.

AN ASSESSMENT WAS LEVIED BY THE CITY COUNCIL OF THE CITY OF LODI, COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA, ON THE PIECES AND PARCELS OF LAND SHOWN OF THE ASSESSMENT DIAGRAM. THE ASSESSMENT WAS LEVIED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2004. THE ASSESSMENT DIAGRAM AND THE ASSESSMENT ROLL WERE RECORDED IN THE OFFICE OF THE SUPERINTENDENT OF STREETS OF THE CITY ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2004. REFERENCE IS MADE TO THE ASSESSMENT ROLL RECORDED IN THE OFFICE OF THE SUPERINTENDENT OF STREETS FOR THE EXACT AMOUNT OF EACH ASSESSMENT LEVIED AGAINST EACH PARCEL OF LAND SHOWN OF THIS ASSESSMENT DIAGRAM.

**EXHIBIT C**  
SHEET 1 OF 2

ASSESSMENT DISTRICT BOUNDARY LINE  
ASSESSMENT DISTRICT PARCEL NUMBER

<u>BOOK</u>	<u>PAGE</u>	<u>PARCELS</u>
015	230	09

1. ASSESSMENTS APPLY ONCE TO LAND LOCATED WITHIN THE CITY OF LODI AND WITHIN THE DESIGNATED ASSESSOR'S PARCELS.
2. THIS MAP WAS COMPILED FROM THE RECORD INFORMATION AND IS NOT THE RESULT OF A FIELD SURVEY.
3. THIS ASSESSMENT DISTRICT CONTAINS 1.0 ACRE.

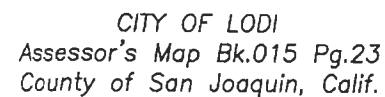
U.P.R.R. CO.

R=5759.63'  
L=100.52'

R=2894.83'  
L=156.76'

APN  
015-230-09  
(1)

WOODLAKE NORTH  
UNIT NO 1  
M & P 27-8



RESOLUTION NO. 2004-280

A RESOLUTION OF THE LODI CITY COUNCIL  
ADOPTING ENGINEER'S REPORT DATED DECEMBER 2004, CONFIRMING THE  
ASSESSMENTS, OVERRULING PROTESTS AND DECLARING ASSESSMENT  
BALLOTS RESULTS AND ANNEXING TERRITORY TO A MAINTENANCE  
ASSESSMENT DISTRICT AND FORMING ZONE 7

WOODLAKE MEADOW ZONE 7

LODI CONSOLIDATED LANDSCAPE MAINTENANCE  
ASSESSMENT DISTRICT NO. 2003-1  
(Landscaping and Lighting Act of 1972)

=====

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council that:

1. On October 20, 2004, this Council adopted A Resolution of Intention to annex territory to a maintenance assessment district, to form a zone and to levy and collect assessments and a Resolution of Preliminary Determination and in them directed the Engineer to make and file a Report in writing in accordance with and pursuant to the Landscaping and Lighting Act of 1972 (the Act) in and for the City's proposed Woodlake Meadow Zone 7 Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1.

2. The Report was made and filed and the Report was considered by this Council and found to be sufficient in every particular, whereupon it was determined that the Report be and it was preliminarily approved for all subsequent proceedings under and pursuant to the Resolution of Intention.

3. The City Council provided for the giving of Notice of the Public Hearing setting Wednesday, December 15, 2004, at the hour of 7:00 p.m., in the meeting place of the Lodi City Council, Carnegie Forum, 305 West Pine Street, Lodi, California, as the time for the Public Hearing to take testimony and for hearing protests in relation to the proposed assessment, the annexation of territory to the Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1, the formation of Zone 7 the maintenance of the improvements thereof, the property owner assessment ballot procedure required by Article XIII D of the California Constitution and final action upon the Engineer's Report.

4. The City Clerk has filed with the City Council a Certificate setting forth the time and manner of the compliance with the requirements of law for mailing and/or delivery of Notices of the time and place for said Public Hearing and the Notice of the property owner assessment ballot procedure required by Article XIIID of the California Constitution (together with the property owner assessment ballots) and the Council hereby finds that the Notice of the time and place for said Public Hearing thereon and Notice of the property owner assessment ballot procedure required by Article XIIID of the California Constitution (together with the property owner assessment ballots) has been mailed in the time, form, and manner required by law and further that written Waiver and Consents have been filed in regard to certain of these proceedings.

5. On December 15, 2004, prior to the public hearing the Engineer filed with the City Clerk its corrected Engineer's Report.

6. On December 15, 2004, at the time and place as set forth in Resolution 2004-216 the City Council held the Public Hearing and duly heard all interested parties desiring to be heard.

7. In accordance with Resolution No. 2004-216 and Article XIID of the California Constitution, property owner assessment ballots were provided to all of the property owners in said territory to be annexed and at the close of the Public Hearing, the Clerk, the impartial person designated by the Council, tabulated the assessment ballots submitted and not withdrawn and found that the assessment ballots submitted, and not withdrawn, in opposition to the proposed assessment did not exceed assessment ballots submitted and not withdrawn in favor, weighing those assessment ballots by the amount of the proposed assessment to be imposed upon the identified parcels for which an assessment ballot was submitted and the Council so found.

8. The City Council finds that any and all protests against the proposed assessment, maintenance of the improvements, or against the annexation of territory to Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1 or the formation of Zone 7 or the extent thereof or against the engineer's estimate of costs and expenses, in whole or as to any part, or against the diagram and descriptions in whole or in part (specifically all written protests not withdrawn in writing before the conclusion of the protest hearing) are made by the owners of less than one-half of the area of the land to be assessed. The City Council hereby overrules each of these protests, written and oral.

9. The City has caused the distribution of assessment ballots, a summary of the procedures applicable to the completion, return, and tabulation of assessment ballots, and a statement that the existence of a majority protest will result in the assessment not being imposed. The City hereby finds and declares that the ballot measure has been submitted to the voters of land within the territory to be annexed and after the tabulation of the assessment ballots submitted and not withdrawn, that no majority protest against the assessment existed because the assessment ballots submitted in opposition to the assessment did not exceed the ballots submitted in favor of the assessment. In tabulating the ballots, they were weighted according to the proportional financial obligation of the affected properties.

10. The City Council hereby approves the Engineer's Report dated December 2004 and each component part of it, including each Exhibit incorporated by reference in the Report. Reference is made to the Report for a full and detailed description of the improvements to be maintained, the boundaries of the territory to be annexed, Zone 7 and the Assessments.

11. The City Council hereby confirms the Assessment, Assessment Roll, and the Diagrams as now on file with it, and declares the Engineer's Report and said Diagrams, Assessment, and Assessment Roll as contained therein are hereby adopted and confirmed.



12. Based on the oral and documentary evidence, including the Engineer's Report, offered and received at the Public Hearing, this Council expressly finds and determines that as to Zone 7:

- (a) Each of the several subdivisions of land in the territory to be annexed will be specially benefited by the maintenance of the improvements at least in the amount, if not more than the amount, of the assessment apportioned against the subdivisions of land, respectively; and
- (b) there is substantial evidence to support, and the weight of the evidence preponderates in favor of, the finding and determination as to special benefits.

13. The City Council determines and orders the territory described in the Engineer's Report be annexed to Lodi Consolidated Landscape Maintenance Assessment District, that Zone 7 be formed and shall be known as Woodlake Meadow Zone 7, Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1.

14. This Council hereby orders that the improvements described in the Resolution of Intention be maintained, the formula and method of assessment to be used to pay the annual costs and expenses of the maintenance be confirmed, that the maximum annual assessment is established and is hereby ordered and confirmed as follows:

Zone 7 in the amount of \$173.00 per dwelling unit equivalent Factor (dueF) per year

15. The City Council finds, determines, and orders that the maximum annual assessments set forth in Paragraph 14 of this resolution shall be annually increased in an amount equal to the greater of: 1) five percent (5%) or (2) the percentage increase of the Local Consumer Price Index (CPI). Consumer Price Index applied is for the San Francisco-Oakland-San Jose County Area for all Urban Consumers as developed by the U. S. Bureau of Labor Statistics for a similar period of time.

16. The City Council finds, determines, and orders that for the 2004-2005 Fiscal Year there is hereby levied on each parcel in Zone 7 an actual assessment amount of \$73.00 per dueF as detailed in the Engineer's Report and Assessment Roll contained therein.

17. The City Council hereby directs the City Clerk to comply with Section 22641 of the Streets and Highways Code. The County Auditor/Controller is requested to comply with the provisions of Section 22645 of the Streets and Highways Code in the collection of installments for taxes when levied by this Council.

18. This resolution shall take effect immediately upon its passage.

Dated: December 15, 2004

=====

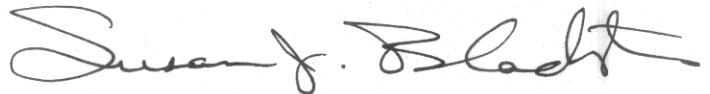
I hereby certify that Resolution No. 2004-280 was passed and adopted by the City Council of the City of Lodi in a regular meeting held December 15, 2004, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Hitchcock, Johnson, Mounce,  
and Mayor Beckman

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None

A handwritten signature in black ink, appearing to read "Susan J. Blackston", with a stylized flourish at the end.

SUSAN J. BLACKSTON  
City Clerk

**ENGINEER'S REPORT  
WOODLAKE MEADOW ZONE 7  
LODI CONSOLIDATED LANDSCAPE MAINTENANCE  
ASSESSMENT DISTRICT NO. 2003-1  
(PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972)  
CITY OF LODI**

**FISCAL YEAR 2004-2005**

**PREPARED BY:**

**Thompson-Hysell Engineers,  
a division of The Keith Companies, Inc.  
1016 12th Street  
Modesto, CA 95354**

**DECEMBER 2004**

**ANNUAL ENGINEER'S REPORT  
FOR THE 2004-2005 FISCAL YEAR**

WOODLAKE MEADOW ZONE 7  
LODI CONSOLIDATED LANDSCAPE MAINTENANCE  
ASSESSMENT DISTRICT NO. 2003-1  
CITY OF LODI  
(Pursuant to the Landscaping and Lighting Act of 1972)

The undersigned respectfully submits the enclosed annual report as directed by the City Council.

DATED: December 6, 2004.

Thompson-Hysell Engineers  
Engineer of Work

BY:

*Michael T. Persak*  
Michael T. Persak  
RCE 44908



**I HEREBY CERTIFY** that the enclosed Annual Engineer's Report, together with Boundary Map, Assessment, and Assessment Diagram thereto attached, was filed with me on the \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_, City Clerk, City of Lodi  
San Joaquin County, California

BY:

**I HEREBY CERTIFY** that the enclosed Annual Engineer's Report together with Assessment and Assessment Diagram thereto attached, was approved and confirmed by the City Council of the City of Lodi, California on the \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_, City Clerk, City of Lodi  
San Joaquin County, California

BY:

**I HEREBY CERTIFY** that the enclosed Annual Engineer's Report together with Assessment and Assessment Diagram thereto attached, was filed with the Auditor of the County of San Joaquin on the \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_, City Clerk, City of Lodi  
San Joaquin County, California

BY:

December 6, 2004

The Honorable Mayor and  
City Council of The City of  
Lodi, CA

To Whom It May Concern:

This report is prepared pursuant to and in compliance with the requirements of the "Landscaping and Lighting Act of 1972," as amended, commencing with the Streets and Highways code sections 22500, et seq. for the creation of a new zone (Woodlake Meadow Zone 7) in the Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1.

#### BACKGROUND

The Woodlake Meadow zone consists of a 5-lot residential development located in the northwestern portion of the City of Lodi. The development is being pursued by Woodlake Meadow, LLC. This report is relative to the proposed Woodlake Meadow Zone 7 Landscape Maintenance District of the City of Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1, which provides annual funds for the maintenance of various public landscape improvements.

#### PHASED DEVELOPMENT

The Woodlake Meadow Zone 7 development is currently anticipated to be constructed in a single phase. Annually, the additional public amenity improvements and the additional developed areas, if any, shall be identified. The costs of the maintenance of the new improvements, if any, shall be added to and included in the next annual landscape maintenance budget. These amounts for the additional improvements were accounted for in determining the maximum annual assessment (see Exhibit A). The Woodlake Meadow Zone 7 project, when completed, will include 5 dueF's.

#### ASSESSMENT DISTRICT AREA

The area of Woodlake Meadow Zone 7 is described as all of the property within the following assessor's parcel identified by assessor's number (APN):

<u>Book</u>	<u>Page</u>	<u>Parcel</u>
015	230	09

A boundary map is attached to this Engineer's Report as Exhibit B. The assessment diagrams for the Woodlake Meadow Zone 7 Landscape Maintenance District are attached to the Engineer's Report as Exhibit C. Sheet 1 of the assessment diagrams is a simple overall boundary map. Sheet 2 is the County Assessor's map and is incorporated in, and made a part of, the assessment diagram.

#### PLANS AND SPECIFICATIONS

As this project is developed, plans and specifications for the amenity improvements to be maintained by the funds generated by the Woodlake Meadow Zone 7 Landscape Maintenance District shall be filed with the City of Lodi and will be incorporated into this report by reference.

#### DESCRIPTION OF AREAS TO BE MAINTAINED

The Woodlake Meadow Zone 7 Landscape Maintenance District is created to provide funding for the continued maintenance of the public areas described below. During the installation period for each phase, the installer of the improvements will maintain the new improvements until the following June 30, or until such time as funds are available for maintenance, at which time the new areas shall be incorporated into the areas already being maintained by the District.

The following improvements shall be included in the District upon their completion.

1. Description of Improvements for Future Development
  - A. Public park land area of 0.0468 acres in size equivalent to the current level of service standard for park area within the City of 3.4 acres per 1000 persons served.

#### ALLOCATION OF COSTS

Assessments for the Woodlake Meadow Zone 7 Landscape Maintenance District are apportioned in a manner intended to fairly distribute the amounts among all assessable developed parcels in proportion to the estimated benefits to be received by each such parcel. A parcel is considered as being developed by reason of having been included as a lot or parcel in the Zone 7 recorded Final Map or being included within the active developed area in the case of an existing parcel. The criteria for apportioning the costs for the maintenance makes use of a dwelling unit equivalent Factor (dueF) to calculate the benefit for all uses in terms of equivalent dwelling units. The terms, definitions, and procedures followed to develop the annual assessment are as follows:

1. Dwelling Unit Equivalent Factor (dueF)

The dueF for each use is as follows:

  - A. Single-Family Residential

All parcels determined to be developed for single-family use shall have a dueF of 1.0 for each parcel. Parcels designated for duplex use will be assigned a dueF of 2.0.
  - B. Multiple-Family Residential

All parcels determined to be developed for multiple-family residential, other than duplex or triplex uses, shall have a dueF of 5.0 per acre for each parcel, in general representative of the approximate single-family yield if the area were developed for that use.

C. Commercial/Office

All parcels determined to be developed for commercial or office use shall have the dueF factor calculated as follows:

- 5 dueF per acre for the first 7.5 acres
- 2.5 dueF per acre for the next 7.5 acres
- 1.25 dueF per acre for all acreage over 15 acres.

D. Other Uses

All parcels determined to have uses other than identified above shall have a dueF established at the time of the first annual budget affecting such areas as determined by the Engineer or other officer appointed by the City of Lodi to prepare the annual cost spread. The determined dueF shall follow the character of the factors assigned above as nearly as practicable, but the determination shall be the sole responsibility of the appointed party and the City of Lodi.

E. Zero Dwelling Unit Equivalent Factor (dueF)

Certain parcels, by reason of use, size, shape, or state of development, may be assigned a zero dueF which will consequently result in a zero assessment for that fiscal year. All parcels having such a zero dueF for the previous fiscal year shall annually be reconsidered to determine if the reason for assigning the zero dueF is still valid for the next fiscal year. Parcels which may be expected to have a zero dueF assigned are typically parcels which are all, or nearly all, publicly landscaped, parcels in public ownership, parcels owned by a public utility company and/or used for public utilities, public parks, public schools, and remainder parcels too small or narrow for reasonable residential or commercial use, unless actually in use.

1. Area Adjustments

Parcels which have an assessment determined by area and which have a portion of the parcel occupied by public or public utility uses separate from the entitled use and located in easements, prior to the multiplication by the dueF, shall have the area of the parcel adjusted to a usable area to reflect the loss or partial loss of the entitled use in those areas. This reduction shall not apply for normal peripheral and interior lot line public utility easements generally existing over the whole subdivision.

2. Compilation

Annually, about May 15, following the determination of the dwelling unit equivalent Factor (dueF) for all developed parcels and the determination of the list of developed parcels by APN for the next fiscal year, all single-family or duplex/triplex residential parcels shall have a dwelling unit equivalent (due) assigned to each parcel equal to the dueF for that parcel. For all parcels other than single-family or duplex/triplex residential parcels, the product of the dueF times the area or adjusted usable area of the parcel, as appropriate, shall be calculated and shall be the due assigned. For developed parcels, the sum of the due assigned to each single-family due for each other parcel shall equal the total due for the next fiscal year. The total amount of revenue required for the next fiscal year shall then be divided by the total due to calculate the assessment per due for the next fiscal year. Parcels defined as not developed for the purposes of determining the landscape maintenance assessments will

all have a zero dueF and consequently a zero due and a zero assessment.

3. Allocation of Assessments

The assessment for wall maintenance for the next fiscal year shall then be set for each parcel as the product of the calculated dwelling unit equivalent (due) for each parcel, multiplied by the assessment per due for the next fiscal year.

METHOD OF ASSESSMENT SPREAD

In compliance with the provisions of Proposition 218, adding Article XIII D to the California Constitution, the benefits conferred on each parcel within the Lodi Consolidated Landscape Maintenance District No. 2003-1 are particular and distinct benefits (hereinafter "special benefits") over and above general benefits conferred on such property or to the public at large, in that the individual letter-designated zones in the District each represents a common unit to provide landscape, park, and related amenity maintenance, and monitored irrigation for the development of the property within the individual letter-designated zones in the District generally for residential and related urban uses. Benefits are determined to be 100% special benefits and 0% general benefits. Also, in keeping with the requirements of Proposition 218, no annual individual assessments shall be increased above the amounts assessed under the established criteria for each zone for the preceding fiscal year without an election approval.

The base objective of the assessment spread is to distribute costs in accordance with the benefits received. Costs will be spread equally to each residential lot as follows:

1. Lots 1-5 in Woodlake Meadow shall be assessed equally per their dueF for the estimated costs of maintenance for the fiscal year 2004-2005.

ANNUAL ESCALATION

The maximum assessment amount for each fiscal year shall be increased in an amount equal to the greater of: 1) five percent (5.0%), or 2) the percentage increase of the Local Consumer Price Index (CPI). Consumer Price Index applied is for the San Francisco-Oakland-San Jose County Area for All Urban Consumers, as developed by the U.S. Bureau of Labor Statistics for a similar period of time.

ADMINISTRATION

It is intended that the City of Lodi, either directly or by subcontract, shall have the responsibility to establish an ongoing Landscape Maintenance Management entity to be known as the Landscape Maintenance District Manager which shall be responsible to establish the annual budget, keep an accounting of the maintenance and operational administrative costs, administer and perform the landscape maintenance either directly or by subcontract, pay all fees, utility costs, taxes, and any and all other operating costs.

ESTIMATE OF COSTS



The location and size of a park serving these subdivisions has not yet been determined. The estimated costs are for public amenity maintenance only. All improvements will be installed at no cost to the Landscape Maintenance Assessment District. The assessment will not be levied until needed, upon development and City acceptance of the improvements.

Items considered in the maintenance cost include, but are not limited to: Water for plants and trees, weeding, pruning, mowing, replacement of plants and trees that may die, maintenance of pavement and sidewalks, and maintaining and replacing all sprinkler lines and heads.

The annual costs estimated to be collected with the 2004-2005 taxes for the developed areas are as follows:

<u>OPERATION OF COSTS</u>	<u>FY 2004-05 ESTIMATED ASSESSMENT</u>	<u>FY 2004-05 MAXIMUM ASSESSMENT</u>
Future Park Site	\$0.00	\$500.00
<b>Est. Subtotal Operation Costs</b>	<b>\$0.00</b>	<b>\$500.00</b>
<u>DISTRICT ADMINISTRATION COSTS</u>		
Annual Engineer's Report	\$100.00	\$100.00
Publication	\$100.00	\$100.00
City Administration Fee	\$50.00	\$50.00
County Administration Fee	<u>\$15.00</u>	<u>\$15.00</u>
<b>Est. Total Administration Costs</b>	<b>\$265.00</b>	<b>\$265.00</b>
<b>Est. Contingency</b>	<b>\$100.00</b>	<b>\$100.00</b>
<b>Total Estimated Revenue Required for 2004-2005 Fiscal Year</b>	<b>\$365.00</b>	<b>\$865.00</b>
<b>Total Appropriation Required from Existing Fund Balance</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>Total Estimated Assessment for 2004-2005 Fiscal Year</b>	<b>\$365.00</b>	<b>\$865.00</b>

<u>OPERATION OF COSTS</u>	<u>FY 2004-05 ESTIMATED ASSESSMENT</u>	<u>FY 2004-05 MAXIMUM ASSESSMENT</u>
Total dueF	5	5
Assessment per dueF	\$73.00	\$173.00
MAXIMUM ANNUAL ASSESSMENT		\$173.00

ASSESSMENT ROLL


The assessment roll for the fiscal year 2004-2005 is as follows:

Assess- ment No.	APN No.	Future Lot Nos.	Owner	No. of dueF's	FY 2004-05 Estimated Assessment	FY 2004-05 Maximum Assessment
1	015-230-09	1-5	Woodlake Meadow, LLC	5	\$365.00	\$865.00
Total				5	\$365.00	\$865.00

The parcels in this subdivision are expected to subdivide upon and subsequent to the formation of Zone 7. The proposed subdivision will yield approximately 5 dueF's (residential lots) and will have a proposed assessment roll, based on the above criteria and budget, as set forth in Exhibit A.

The foregoing Engineer's Report and the estimate of costs, as well as the Assessment Diagram and Assessment Roll, which are attached hereto, are presented for your approval by resolution dated this 6<sup>th</sup> day of December, 2004.

THOMPSON-HYSELL ENGINEERS  
Engineer of Work

BY   
Michael T. Persak  
RCE 44908



**EXHIBIT A**  
**ASSESSMENT ROLL**  
**WOODLAKE MEADOW ZONE 7**  
**LODI CONSOLIDATED LANDSCAPE MAINTENANCE**  
**ASSESSMENT DISTRICT NO. 2003-1**  
**(PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972)**  
**CITY OF LODI, CA**

<b>DIAGRAM NUMBER</b>	<b>COUNTY ASSESSOR NUMBER</b>	<b>UNIT NO.</b>	<b>LOT NO.</b>	<b>FY 2004-05 ESTIMATED ASSESSMENT</b>	<b>FY 2004-05 MAXIMUM ASSESSMENT</b>
1	015-230-09	Woodlake Meadow	Lot No. 1	\$73.00	\$173.00
2	015-230-09	Woodlake Meadow	Lot No. 2	\$73.00	\$173.00
3	015-230-09	Woodlake Meadow	Lot No. 3	\$73.00	\$173.00
4	015-230-09	Woodlake Meadow	Lot No. 4	\$73.00	\$173.00
5	015-230-09	Woodlake Meadow	Lot No. 5	\$73.00	\$173.00
<b>TOTAL</b>				<b>\$365.00</b>	<b>\$865.00</b>

PROPOSED AMENDED BOUNDARIES  
(WOODLAKE MEADOW ZONE 7 ANNEXATION)  
CITY OF LODI CONSOLIDATED LANDSCAPE  
MAINTENANCE ASSESSMENT DISTRICT  
NO. 2003-1 CITY OF STOCKTON,  
SAN JOAQUIN COUNTY  
STATE OF CALIFORNIA

BEING PORTIONS OF SECTIONS 34,  
T.4 N., R.6 E., M.D.B. & M.,  
CITY OF STOCKTON,  
SAN JOAQUIN COUNTY, CALIFORNIA

THOMPSON-HYSELL ENGINEERS  
1016 12th STREET MODESTO, CALIFORNIA  
OCTOBER, 2004

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF LODI THIS  
DAY OF \_\_\_\_\_, 2004.

CITY CLERK OF THE CITY OF LODI

RECORDED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2004 AT THE HOUR  
OF \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M. IN BOOK \_\_\_\_\_ PAGE \_\_\_\_\_ OF  
MAP OF ASSESSMENTS AND COMMUNITY FACILITIES DISTRICTS IN THE OFFICE OF  
THE COUNTY RECORDER OF THE COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA

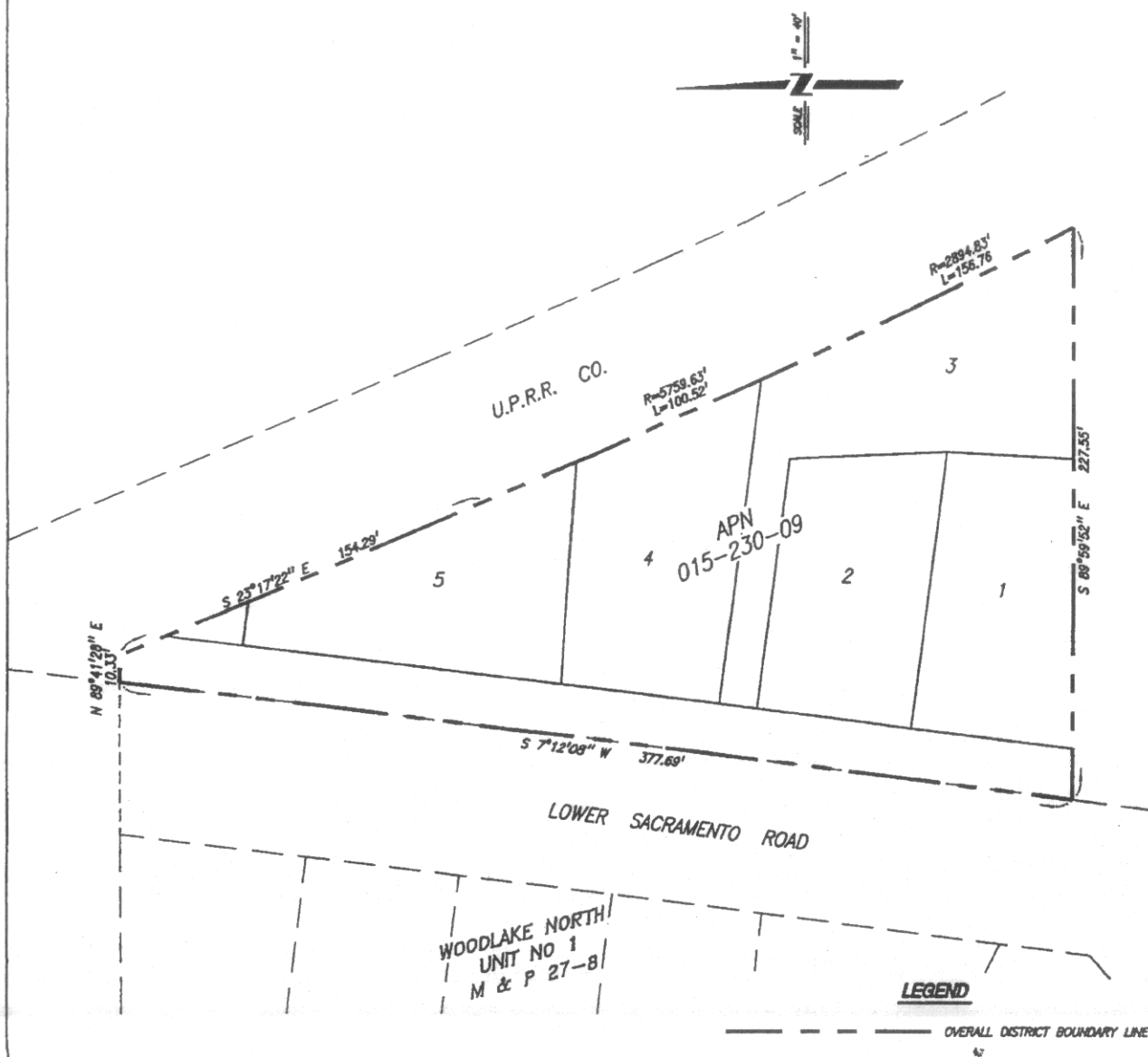
COUNTY RECORDER  
OF SAN JOAQUIN COUNTY, CALIFORNIA

I, HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED  
BOUNDARY OF LODI CONSOLIDATED LANDSCAPE MAINTENANCE  
ASSESSMENT DISTRICT NO. 2003-1, CITY OF LODI, SAN JOAQUIN  
COUNTY, CALIFORNIA WAS APPROVED BY THE CITY COUNCIL OF THE  
CITY OF LODI AT A REGULAR MEETING THEREOF, HELD ON THE  
DAY OF \_\_\_\_\_, 2004, BY ITS RESOLUTION NO.

CITY CLERK OF THE CITY OF LODI

THE AMENDED BOUNDARY MAP AMENDS THE BOUNDARY MAP FOR CITY OF LODI  
CONSOLIDATED LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2003-1,  
CITY OF LODI, SAN JOAQUIN COUNTY, STATE OF CALIFORNIA PRIOR RECORDED  
AT BOOK 4 OF MAPS AND ASSESSMENTS AND COMMUNITY FACILITIES DISTRICTS  
AT PAGE 105, IN THE OFFICE OF THE COUNTY RECORDER FOR THE COUNTY OF  
SAN JOAQUIN, STATE OF CALIFORNIA.

**EXHIBIT B**



# LEGEND

①

ASSESSMENT DISTRICT BOUNDARY LINE  
ASSESSMENT DISTRICT PARCEL NUMBER

## NOTES:

1. ASSESSMENTS APPLY ONCE TO LAND LOCATED WITHIN THE CITY OF LODI AND WITHIN THE DESIGNATED ASSESSOR'S PARCELS.
2. THIS MAP WAS COMPILED FROM THE RECORD INFORMATION AND IS NOT THE RESULT OF A FIELD SURVEY.
3. THIS ASSESSMENT DISTRICT CONTAINS 1.0 ACRE.

## ASSESSMENT DIAGRAM INDEX

BOOK	PAGE	PARCELS
015	230	09

## ASSESSMENT DIAGRAM, ZONE 7 WOODLAKE MEADOW CITY OF LODI CONSOLIDATED LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2003-1 CITY OF STOCKTON, SAN JOAQUIN COUNTY STATE OF CALIFORNIA

BEING PORTIONS OF SECTIONS 34,  
T.4 N., R.6 E., M.D.B. & M.,  
CITY OF STOCKTON,  
SAN JOAQUIN COUNTY, CALIFORNIA

### THOMPSON-HYSELL ENGINEERS

1016 12th STREET MODESTO, CALIFORNIA  
OCTOBER, 2004

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF LODI THIS \_\_\_\_  
DAY OF \_\_\_\_, 2004.

CITY CLERK OF THE CITY OF LODI

RECORDED IN THE OFFICE OF THE SUPERINTENDENT OF STREETS THIS \_\_\_\_  
DAY OF \_\_\_\_, 2004.

SUPERINTENDENT OF STREETS  
OF THE CITY OF LODI

FILED THIS \_\_\_\_ DAY OF \_\_\_\_, 2004 AT THE HOUR  
OF \_\_\_\_ O'CLOCK \_\_\_\_ M. IN BOOK \_\_\_\_ PAGE \_\_\_\_ OF  
MAP OF ASSESSMENTS AND COMMUNITY FACILITIES DISTRICTS IN THE OFFICE OF  
THE COUNTY RECORDER OF THE COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA.

ASSESSOR-RECORDER-COUNTY CLERK  
OF SAN JOAQUIN COUNTY, CALIFORNIA

AN ASSESSMENT WAS LEVIED BY THE CITY COUNCIL OF THE CITY OF LODI,  
COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA, ON THE PIECES AND PARCELS  
OF LAND SHOWN OF THE ASSESSMENT DIAGRAM. THE ASSESSMENT WAS LEVIED  
ON THE \_\_\_\_ DAY OF \_\_\_\_, 2004. THE ASSESSMENT DIAGRAM AND THE  
ASSESSMENT ROLL WERE RECORDED IN THE OFFICE OF THE SUPERINTENDENT  
OF STREETS OF THE CITY ON THE \_\_\_\_ DAY OF \_\_\_\_, 2004.  
REFERENCE IS MADE TO THE ASSESSMENT ROLL RECORDED IN THE OFFICE OF THE  
SUPERINTENDENT OF STREETS FOR THE EXACT AMOUNT OF EACH ASSESSMENT  
LEVIED AGAINST EACH PARCEL OF LAND SHOWN OF THIS ASSESSMENT DIAGRAM.

CITY CLERK OF THE CITY OF LODI

**EXHIBIT C**  
SHEET 1 OF 2

U.P.R.R. CO.

R=5759.63'  
L=100.52'

R=2894.83'  
L=156.76'

APN  
015-230-09  
①

S 7°12'08" W 377.69'

LOWER SACRAMENTO ROAD

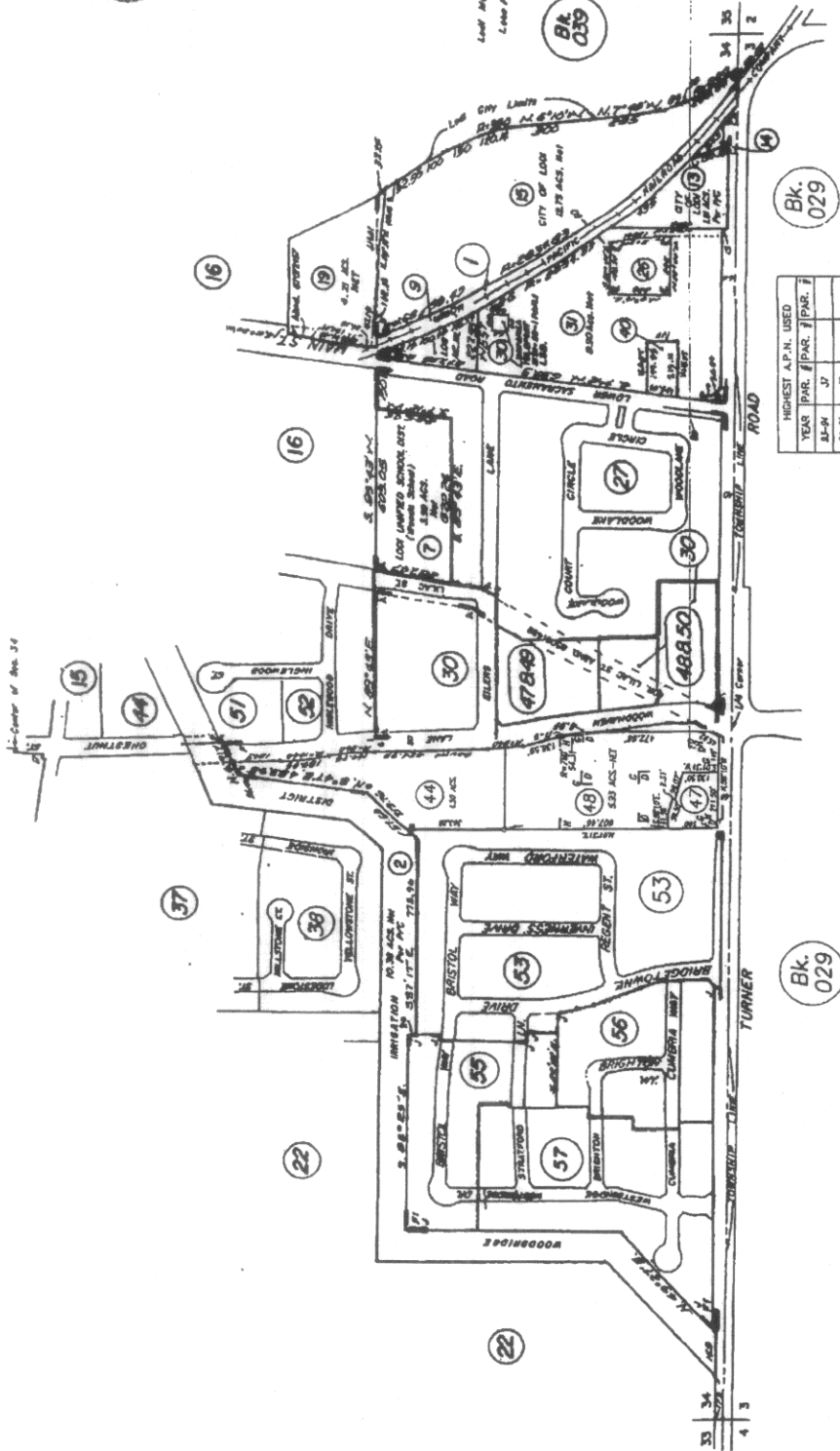
WOODLAKE NORTH  
UNIT NO 1  
M & P 27-8

SCALE  
1" = 40'

227.65'  
S 89°59'52" E

S 23°17'22" E 154.29'

N 89°41'28" E  
10.33'



HIGHEST A.P.N. USED		
YEAR	PAR. #	PAR. #
83-84	37	
84-85	38	
85-86	40	
86-87	41	
87-88	42	
88-89	43	
89-90	44	
90-91	45	
91-92	46	
92-93	47	
93-94	48	
94-95	49	
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35-36	90	
36-37	91	
37-38	92	
38-39	93	
39-40	94	
40-41	95	
41-42	96	
42-43	97	
43-44	98	
44-45	99	
45-46	100	

NOTE: Assessor's Parcel Numbers Shown in Circles.  
Assessor's Block Numbers Shown in Ellipses.

- A- R. S. Bk. 08 Pg. 005
- B- R. S. Bk. 05 Pg. 185
- C- R. S. Bk. 05 Pg. 233
- D- P. M. Bk. 12 Pg. 103
- E- P. M. Bk. 13 Pg. 079
- F- R. S. Bk. 29 Pg. 006
- G- P. M. Bk. 17 Pg. 188
- H- R. S. Bk. 31 Pg. 196
- I- P. M. Bk. 18 Pg. 163
- J- P. M. Bk. 21 Pg. 015

CITY OF LODI  
Assessor's Map Bk.015 Pg.23  
County of San Joaquin, Calif.

RECEIVED

NOV 29 2004

City Clerk  
City of Lodi

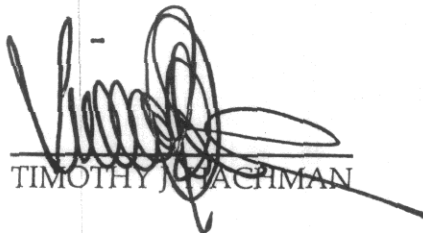
**CITY OF LODI  
Woodlake Meadow Zone 7  
Lodi Consolidated Landscape Maintenance  
Assessment District No. 2003-1**

**CERTIFICATE OF MAILING/PERSONAL DELIVERY AND /OR ELECTRONIC  
DELIVERY OF NOTICE OF PUBLIC HEARING AND ASSESSMENT BALLOT  
PROCEDURE, PROPERTY OWNER ASSESSMENT BALLOT, APPOINTMENT AND  
WAIVER AND CONSENT**

I, Timothy J. Hachman, under penalty of perjury, certify as follows:

That for and on behalf of the Clerk of the City of Lodi, and on October 28, 2004, I caused to be mailed/personally delivered and/or electronically delivered a Notice of Public Hearing and Assessment Ballot Procedure, Property Owner Assessment Ballot, Appointment and Wavier and Consent for the City of Lodi, Woodlake Meadow Zone 7, Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1, postage prepaid, to all persons or their authorized representatives owning real property proposed to be assessed whose names and addresses appear on the last San Joaquin County equalized assessment roll of general taxes or as are known to said City Clerk, a copy of which Notice and Assessment Ballot Procedure, Property Owner Assessment Ballot, Appointment and Wavier and Consent is hereto attached and marked Exhibit "A."

Executed on November 23, 2004.

  
TIMOTHY J. HACHMAN

# **NOTICE OF PUBLIC HEARING AND BALLOT PROCEDURE**

## **CITY OF LODI COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA WOODLAKE MEADOW ZONE 7**

### **LODI CONSOLIDATED LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2003-1**

Pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the Streets and Highways Code of California, commencing with Section 22500, California Government Code Section 53753 and Section 4 of Article XIID of the California Constitution, the Lodi City Council the "Council" has ordered that Notice be given as follows:

#### **PUBLIC HEARING**

1. On Wednesday, December 15, 2004, at 7:00 P.M. (or as soon thereafter as circumstances permit), in the regular meeting place of the Lodi City Council, Carnegie Forum, 305 West Pine Street, Lodi, California, the Council will hold a Public Protest Hearing respecting the proposed annexation of territory (Woodlake Meadow) to Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1 (District) and the formation of Zone 7 when and where: (i) the Council will hear all protests to the annexation, the formation of Zone 7, the maintenance budget and levy of assessments, (ii) the Clerk will tabulate the Assessment Ballots received, and not withdrawn, in support of or opposition to the proposed annexation, Zone 7, and assessment, weighting the Assessment Ballots by the amount of the proposed assessments to be levied upon the identified parcel for which each Assessment Ballot was submitted, and (iii) the Council will consider and finally act upon the annexation, the formation of Zone 7, the proposed budget and levy of assessments. Any person interested may file a written protest with the City Clerk, City Hall, 221 West Pine Street, Lodi, CA 95241-1910, at or before the above time set for the Public Hearing. Wally Sandelin, Public Works Department, Telephone (209) 333-6709 is the person designated by the City Council to answer inquiries regarding the protest proceedings.

#### **INFORMATION ABOUT THE PROJECT**

2. The public improvements to be maintained by proposed Zone 7 are public park area 0.0468 acres in size equivalent to the current level of service standard for park areas within the City of Lodi of 3.4 acres per 1000 persons served.

#### **INFORMATION ABOUT COSTS, ASSESSMENT AND DURATION OF ASSESSMENTS**

3. The proposed budget for the fiscal year 2004/2005 and the maximum annual budget with the individual parcels and amounts of estimated assessments are shown in the Engineer's Report on file with the City Clerk, City Hall, 221 West Pine Street, Lodi, CA 95241-1910. The estimated costs and expenses to be assessed to the benefited parcels also include related management and administrative expenses. Interested persons are referred to the City Clerk's Office to examine the Engineer's Report for further information.

4. The total best estimate of the costs and expenses of the proposed maintenance of improvements and related assessment proceedings for the fiscal year 2004-2005 is the total sum of \$00.00. The maximum annual cost and expense is \$865.00. The amount of the assessment proposed for your parcel is set forth in the Official Property Owners Assessment Ballot which accompanies this Notice. The reason that an assessment is proposed for your parcel is that the Engineer's Report recommends and



the Council has preliminary determined that the property is specially benefited by the maintenance of the improvements.

5. The Engineer's Report recommends that each of the parcels shall be assessed on the basis of the number of "Dwelling Unit Equivalent Factor (dueF)" assigned to the parcel, with one dueF unit representing the benefit equivalent of a single-family residence. The proposed fiscal year 2004-2005 annual assessment per dueF is \$00.00. The proposed maximum annual assessment for each dueF is \$173.00. **The assessment will continue indefinitely.**

The maximum assessment amount for each fiscal year shall be increased in an amount equal to the greater of: 1) five percent (5.0%), or 2) the percentage increase of the Local Consumer Price Index (CPI). Consumer Price Index applied is for the San Francisco-Oakland-San Jose County Area for All Urban Consumers, as developed by U.S. Bureau of Labor Statistics for a similar period of time. **(By law the City can only increase an assessment if and when the actual cost of maintenance increases above the present cost.)**

#### **ASSESSMENT BALLOT PROCEDURE AND 'MAJORITY PROTEST'**

6. As provided by Section 4 of Article XIII D of the California Constitution and Section 53753 of the California Government Code the Official Property Owners Assessment Ballot has been enclosed with this Notice, along with a self-addressed stamped returned envelope by which the Assessment Ballot may be returned to the Clerk. This is THE Official Assessment Ballot to be signed and returned to the City Clerk. It is not a sample ballot. You will not receive any other or additional Assessment Ballot. In order to make this Assessment Ballot count, in determining whether a "majority protest" exists, you must mark it (with an "X" indicating YES or NO), date it, sign it and submit it to the City Clerk no later than the close of the Public Hearing of Protests. If for any reason any Assessment Ballot has not been received by the City Clerk prior to the close of the Public Hearing of Protests, it will not be considered.

After the Assessment Ballot has been marked "Yes" or "No", dated and signed, it may be returned in the enclosed self-addressed stamped return envelope. This Assessment Ballot may be used by the owner or owners of any parcel to express either support of or opposition to the proposed assessment. Please see the Assessment Ballot for instructions respecting the alternative methods for submitting the completed Assessment Ballot either by mail (which may be done by using the enclosed return stamped envelope) or by personal delivery either prior to or at the time of the close of the Public Hearing of Protests. See the enclosed Assessment Ballot for further instructions.

7. Immediately following the close of the Public Hearing of Protests, whether on December 15, 2004, or at the conclusion of any continuation of said Hearing to a later date or to later dates the City Clerk or designee will open and tabulate the Assessment Ballots received prior to the close of the Public Hearing and the results will be announced; provided that, in the event that the Clerk requires an opportunity to determine (a) whether any Assessment Ballot has been properly signed by an owner or authorized representative of an owner or (b) any other matter respecting any Assessment Ballot and its proper treatment in the assessment ballot procedure, the City Clerk reserves entitlement to continue the matter of announcing results to provide the Clerk with such opportunity.

The Assessment Ballots are weighted according to the proportional financial obligation the affected property has to the total Assessment amount. (Simplified, this means one vote for each one dollar of assessment.)

In the event that Assessment Ballots in opposition exceed those in support, there will be a "majority protest" and the Council will be precluded from proceeding with the proposed assessment.

### **NEED FOR WRITTEN STATEMENT OF GROUNDS OF PROTEST**

8. Property owners wishing to preserve the opportunity to file a lawsuit challenging the assessment, if levied, are required by law to file a written protest and to state therein all the specific grounds of objection. Any grounds of objection not stated in a written protest filed prior to the close of the public hearing of protests are deemed waived in any subsequent lawsuit and may not be raised in such lawsuit.

### **FURTHER INFORMATION OR QUESTIONS**

9. If For further information, you may refer to the Resolution of Intention and the Engineer's Report, both on file with the City Clerk at 221 West Pine Street, Lodi, CA. Said Resolution of Intention and Engineer's Report are open to public inspection and are incorporated herein by reference. All interested parties are especially referred to the Engineer's Report for a full description of the improvements, the parcels of land deemed specially benefited by the improvements, the proposed assessments on all of the parcels of land being assessed, and the method of estimating the proportionality of benefit amount to the parcels, using the dueF concept.

If you have questions about the assessment, please contact Wally Sandelin, Public Works Department (209) 333-6709. If you have questions about the Assessment Ballot, please contact the City Clerk's office at (209) 333-6702.

All proceedings before the City Council are conducted in English. The City of Lodi does not furnish interpreters and, if one is needed, it shall be the responsibility of the person needing one.

DATED: October 20, 2004

SUSAN J. BLACKSTON  
City Clerk of the City of Lodi

CITY OF LODI  
WOODLAKE MEADOW ZONE 7 LODI CONSOLIDATED LANDSCAPE  
MAINTENANCE ASSESSMENT DISTRICT NO. 2003-1

**IMPORTANT - OFFICIAL PROPERTY OWNER ASSESSMENT BALLOT**

This ballot is for the use of the property owner of the parcel identified below, which parcel is located within the proposed Woodlake Meadow Zone 7, Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1. Please advise the City Clerk at (209) 333-6702 if the name set forth below is incorrect or if you are no longer the owner of the parcel.

This ballot may be used to express either support for or opposition to the proposed assessment. In order to be counted, this ballot must be marked "Yes" or "No", dated and signed in ink below by an owner or, if the owner is not an individual, by an authorized representative of the owner. The ballot must then be delivered to the City Clerk at the Lodi City Hall, 221 West Pine Street, Lodi, CA 95241-1910, either by mail or in person, as follows:

**Mail Delivery** If by mail. Place the ballot in the enclosed, self-addressed stamped return envelope and place in the mail not later than one calendar week prior to December 15, 2004. The City Clerk cannot be responsible for late delivery of mailed ballots.

**Personal Delivery** If in person, to the City Clerk during regular office hours (8:00a.m. to 5:00 p.m.) at any time up to 5:00 on December 15, 2004 at the City Clerk's office at Lodi City Hall, 221 West Pine Street, Lodi, CA or at the protest hearing itself, scheduled for 7:00 p.m. on that date in the regular meeting place of the Lodi City Council, Carnegie Forum, 305 West Pine Street Lodi, CA

Whether delivered by mail or in person, the ballot must be received by the City Clerk prior to the close of the public hearing on December 15, 2004.

TO CAST THIS BALLOT, SIGN IN INK, DATE AND RETURN THIS ENTIRE PAGE

-----  
**OFFICIAL ASSESSMENT BALLOT**

Assessor's Parcel Number  
015-230-09

**Maximum Assessment Amount**  
**\$865.00\***  
**Total: \$865.00\***

Owner Name  
WOODLAKE MEADOW, a LLC

\*(Upon subdivision 5 lots/dueFs at a Maximum Annual  
Assessment Amount \$173.00 per lot/dueF)

Mark With an "X" in the appropriate blank

**BALLOT MEASURE**

Shall the Lodi City Council annex Woodlake Meadow to Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1, form Zone 7 and levy a Maximum Assessment not to exceed the amount set forth above on the parcel(s) identified for park maintenance with annual maximum increases in future assessments in an amount equal to the greater of 5% or the percentage increase of the Local Consumer Price Index (CPI). CPI applied is for the San Francisco- Oakland-San Jose area for All Urban Consumers, as developed by U. S. Bureau of Labor Statistics for a similar period of time?	YES _____
	NO _____

I hereby certify under penalty of perjury that I am the legal owner or the authorized representative of the legal property owner and am therefore the person to execute this ballot for the property shown above.

Date: \_\_\_\_\_, 2004

Property Owner Signature \_\_\_\_\_

Printed Name of Property Owner: Woodlake Meadow, a LLC

**DEADLINE FOR CITY CLERK TO RECEIVE COMPLETED BALLOTS IS DECEMBER 15, 2004**

**APPOINTMENT OF REPRESENTATIVE TO ACT FOR  
PROPERTY  
IN RESPECT OF PROPERTY OWNER ASSESSMENT BALLOT**

**WOODLAKE MEADOW ZONE 7**

**LODI CONSOLIDATED LANDSCAPE MAINTENANCE  
ASSESSMENT DISTRICT NO. 2003-1  
CITY OF LODI  
SAN JOAQUIN COUNTY, CALIFORNIA**

The undersigned authorized representative of **WOODLAKE MEADOW, a LLC**, (the "Owner") declares that Owner is the owner of a parcel of real property (APN 015-230-09) proposed to be annexed as Zone 7 to Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1 (the "District") which will be subject to a special maintenance assessment with respect to the District, and the City is undertaking proceedings for the annexation of Zone 7 to the District and levy of a special maintenance assessment to finance the ongoing maintenance of certain improvements of benefit to the land within the District, which proceedings include a property owner assessment ballot.

Owner hereby authorizes **R. WAYNE CRAIG** to act in all respects for property owned by Owner, including acting for Owner in casting votes and executing the ballot.

Owner has executed a Waiver and Consent Shortening Time Periods and Waiving Various Requirements for Conducting a Property Owner Assessment Ballot.

The undersigned declares under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this Appointment is signed by an authorized signatory for the landowner named below as of the date indicated below.

Date: \_\_\_\_\_, 2004

**WOODLAKE MEADOW, a LLC**

By: \_\_\_\_\_  
R. Wayne Craig, Managing  
Member of Sandhill  
Development Company, LLC

**WAIVER AND CONSENT TO  
ANNEXATION TO DISTRICT  
LEVY OF MAXIMUM ANNUAL ASSESSMENT  
SHORTENING TIME PERIODS AND WAIVING VARIOUS  
REQUIREMENTS FOR CONDUCTING PROPERTY OWNER  
ASSESSMENT BALLOT**

**WOODLAKE MEADOW ZONE 7**

**LODI CONSOLIDATED LANDSCAPE MAINTENANCE  
ASSESSMENT DISTRICT NO. 2003-1  
CITY OF LODI  
SAN JOAQUIN COUNTY, CALIFORNIA**

The undersigned is the authorized representative of **WOODLAKE MEADOW, a LLC** owner of APN 015-230-09 the owner (the "Owner") of the real property within the City of Lodi, County of San Joaquin, State of California (the "City") which is proposed to be annexed into Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1 as Zone 7 (the "District"), which will be subject to a maximum annual assessment with respect to the District. The City is undertaking proceedings for the annexation to the District, the formation of Zone 7 and the levy of an annual maximum assessment on the property included therein, which proceedings include a property owner assessment ballot.

The undersigned, on behalf of the Owner, hereby requests that the above parcel be annexed to the District and Zone 7 be formed, that the APN parcel set forth above be subject to the maximum annual assessment with respect to the District; that the parcel be subject to and a maximum annual assessment be levied as contained in the Engineer's Report on file in these proceedings.

In that connection, **R. WAYNE CRAIG** is the person legally entitled and authorized to cast the assessment ballot for the above-referenced Owner attributable to the above-referenced parcel in the property owner assessment ballot to be conducted within the District to determine, among other things, that the above APN be subject to the maximum annual assessment and that the maximum annual assessment be levied as contained in the Engineer's Report on file in these proceedings.

The undersigned consents to the annexation of the above referenced parcel to the District, the formation of Zone 7 and to the levy of the maximum annual assessment as provided in the Engineer's Report.

The undersigned, on behalf of the above-referenced Owner, hereby waives any and all minimum time periods relative to the assessment ballot pursuant to Government Code Section 54954.6

The undersigned, on behalf of the above-referenced Owner, hereby waives the notice, protest, hearing, assessment ballot, mailings and any publication requirements under Government Code Section 53753 and Article XIII C and D of the California Constitution and Sections 22608 and 22608.2 of the Streets and Highways Code.

The undersigned, on behalf of the above-referenced Owner, hereby waives the requirements regarding the time to mail assessment ballots to the qualified property owners pursuant to Government Code Sections 53753 and 54954.6 and agrees that the representative of the above-referenced Owner may accept either mailed service or personal service of the assessment ballots.

The undersigned, on behalf of the above-referenced Owner, hereby waives the requirements regarding identification envelopes for the return of assessment ballots, regarding keeping the envelope sealed, regarding the assessment ballot be in a form that conceals it or that it be placed in an envelope all as contained in Government Code Section 53753 and 54954.6.

Further, the undersigned, on behalf of the above-referenced Owner, hereby waives any and all defects in notice or procedure in the conduct of the assessment ballot, whether known or unknown (except the right to cast the assessment ballot and to have the assessment ballots fairly counted).

I declare, under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct and that this declaration is executed on the date set forth below.

Date:                      , 2004

**WOODLAKE MEADOW, a LLC**

By: \_\_\_\_\_  
R. Wayne Craig, Managing  
Member of Sandhill  
Development Company, LLC

TIMOTHY J. HACHMAN  
ATTORNEY AT LAW  
THE SPERRY BUILDING  
146 WEST WEBER AVENUE  
STOCKTON, CALIFORNIA 95202

TELEPHONE (209) 444-5722  
FACSIMILE (209) 546-0164  
E-Mail thachman@pacbell.net

POST OFFICE BOX 347  
STOCKTON, CALIFORNIA 95201-0347

MEMO

TO: R. Wayne Craig

DATE: October 28, 2004

FROM: Timothy J. Hachman

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Re: Lodi Consolidated Landscape MAD 2003-1, Woodlake Meadow, Zone 7

Wayne:

Enclosed are the documents required for the annexation and establishment of an annual assessment for the above project. The Notice is for your records and requires no action on your part. I have enclosed a copy of each for your records.

1. Appointment of Representative
2. Wavier and Consent
3. Ballot
4. Notice (for your records)

In order to proceed, please sign and date the Appointment of Representative, sign and date the Wavier and Consent and sign, date and vote yes on the Ballot and return to me. Please call me if you have any questions.

Regards,

Timothy J. Hachman

APPOINTMENT OF REPRESENTATIVE TO ACT FOR  
PROPERTY  
IN RESPECT OF PROPERTY OWNER ASSESSMENT BALLOT

WOODLAKE MEADOW ZONE 7

RECEIVED Lodi Consolidated Landscape Maintenance  
ASSESSMENT DISTRICT NO. 2003-1  
CITY OF LODI  
SAN JOAQUIN COUNTY, CALIFORNIA

NOV 29 2004

City Clerk  
City of Lodi

The undersigned authorized representative of **WOODLAKE MEADOW, a LLC**, (the "Owner") declares that Owner is the owner of a parcel of real property (APN 015-230-09) proposed to be annexed as Zone 7 to Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1 (the "District") which will be subject to a special maintenance assessment with respect to the District, and the City is undertaking proceedings for the annexation of Zone 7 to the District and levy of a special maintenance assessment to finance the ongoing maintenance of certain improvements of benefit to the land within the District, which proceedings include a property owner assessment ballot.

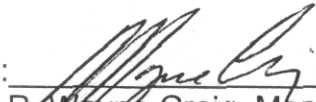
Owner hereby authorizes **R. WAYNE CRAIG** to act in all respects for property owned by Owner, including acting for Owner in casting votes and executing the ballot.

Owner has executed a Waiver and Consent Shortening Time Periods and Waiving Various Requirements for Conducting a Property Owner Assessment Ballot.

The undersigned declares under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this Appointment is signed by an authorized signatory for the landowner named below as of the date indicated below.

Date: 11/2, 2004

**WOODLAKE MEADOW, a LLC**

By:   
R. Wayne Craig, Managing  
Member of Sandhill  
Development Company, LLC



RECEIVED

NOV 29 2004

City Clerk  
City of Lodi

**WAIVER AND CONSENT TO  
ANNEXATION TO DISTRICT  
LEVY OF MAXIMUM ANNUAL ASSESSMENT  
SHORTENING TIME PERIODS AND WAIVING VARIOUS  
REQUIREMENTS FOR CONDUCTING PROPERTY OWNER  
ASSESSMENT BALLOT**

**WOODLAKE MEADOW ZONE 7**

**LODI CONSOLIDATED LANDSCAPE MAINTENANCE  
ASSESSMENT DISTRICT NO. 2003-1  
CITY OF LODI  
SAN JOAQUIN COUNTY, CALIFORNIA**

The undersigned is the authorized representative of **WOODLAKE MEADOW**, a LLC owner of APN 015-230-09 the owner (the "Owner") of the real property within the City of Lodi, County of San Joaquin, State of California (the "City") which is proposed to be annexed into Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1 as Zone 7 (the "District"), which will be subject to a maximum annual assessment with respect to the District. The City is undertaking proceedings for the annexation to the District, the formation of Zone 7 and the levy of an annual maximum assessment on the property included therein, which proceedings include a property owner assessment ballot.

The undersigned, on behalf of the Owner, hereby requests that the above parcel be annexed to the District and Zone 7 be formed, that the APN parcel set forth above be subject to the maximum annual assessment with respect to the District; that the parcel be subject to and a maximum annual assessment be levied as contained in the Engineer's Report on file in these proceedings.

In that connection, **R. WAYNE CRAIG** is the person legally entitled and authorized to cast the assessment ballot for the above-referenced Owner attributable to the above-referenced parcel in the property owner assessment ballot to be conducted within the District to determine, among other things, that the above APN be subject to the maximum annual assessment and that the maximum annual assessment be levied as contained in the Engineer's Report on file in these proceedings.

The undersigned consents to the annexation of the above referenced parcel to the District, the formation of Zone 7 and to the levy of the maximum annual assessment as provided in the Engineer's Report.

The undersigned, on behalf of the above-referenced Owner, hereby waives any and all minimum time periods relative to the assessment ballot pursuant to Government Code Section 54954.6

The undersigned, on behalf of the above-referenced Owner, hereby waives the notice, protest, hearing, assessment ballot, mailings and any publication requirements under Government Code Section 53753 and Article XIII C and D of the California Constitution and Sections 22608 and 22608.2 of the Streets and Highways Code.

The undersigned, on behalf of the above-referenced Owner, hereby waives the requirements regarding the time to mail assessment ballots to the qualified property owners pursuant to Government Code Sections 53753 and 54954.6 and agrees that the representative of the above-referenced Owner may accept either mailed service or personal service of the assessment ballots.

The undersigned, on behalf of the above-referenced Owner, hereby waives the requirements regarding identification envelopes for the return of assessment ballots, regarding keeping the envelope sealed, regarding the assessment ballot be in a form that conceals it or that it be placed in an envelope all as contained in Government Code Section 53753 and 54954.6.

Further, the undersigned, on behalf of the above-referenced Owner, hereby waives any and all defects in notice or procedure in the conduct of the assessment ballot, whether known or unknown (except the right to cast the assessment ballot and to have the assessment ballots fairly counted).

I declare, under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct and that this declaration is executed on the date set forth below.

Date: 11/2, 2004

**WOODLAKE MEADOW, a LLC**

By: 

R. Wayne Craig, Managing  
Member of Sandhill  
Development Company, LLC